

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy or use is allowed within one-half mile of known ferruginous hawk nest sites which have been active within the past two years.

On the lands described below:

For the purpose of:

To maintain the production potential of ferruginous hawk nest sites which are very sensitive to disturbance and have been identified as Category 2 species under the Endangered Species Act.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation can be granted by the authorized officer if the operator submits a plan which demonstrates that the impacts from the proposed action will not adversely affect the ferruginous hawk or its habitat. Seasonal exceptions can be allowed from August 1 to March 1 (the non-breeding season) if the authorized officer determines that the proposed activity will not disturb the production potential of the ferruginous hawk.

Modification: The boundaries of the stipulated area can be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting the production potential of ferruginous hawk nest sites.

Waiver: This stipulation can be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting the production potential of ferruginous hawk nest sites or if the ferruginous hawk is downgraded from any protective category.

NSO 11-8
Billings Field Office
Miles City Field Office
South Dakota Field Office